

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, March 29, 1871. }

Senate met pursuant to adjournment; Senator Flanagan, President *pro tem.*, presiding.

Roll called; quorum present.

Absent—excused—President Campbell, on account of sickness.

Prayer by the Chaplain.

On motion of Senator Fountain, the reading of the journal of yesterday was dispensed with.

On motion of Senator Latimer, the journals of yesterday were corrected, to show that he paired off with Senator Baker on the vote taken on substitute Senate bill No. 166, a bill to be entitled "An act to organize and maintain a system of public free schools in the State of Texas," Senator Baker voting in the affirmative, Senator Latimer voting in the negative.

On motion of Senator Dohoney, the journal of the afternoon session of March 27 was corrected, to show that, on the motion to adjourn, a quorum not being present, he voted in the negative, and not in the affirmative, as recorded.

PETITIONS AND MEMORIALS.

By Senator Bowers: petitions of the citizens of Robertson county, asking the removal of the county seat from Calvert to Owensville. Read and referred to Committee on Counties and County Boundaries.

UNFINISHED BUSINESS.

By leave, Senator Fountain called up the unfinished business of yesterday, House bill No. 465, "An act for the relief of G. F. B. Vega."

The question recurring on the final passage of House bill No. 465, yeas and nays were called for and the bill passed by the following vote:

Yeas—Baker, Bell, Bowers, Cole, Dillard, Dohoney, Douglass, Flanagan, Ford, Fountain, Gaines, Hertsberg, Hillebrand, Latimer, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—24.

Nays—None.

The Secretary carried House bill No. 465 to the House with the action of the Senate.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM,
AUSTIN, March 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred House bill No. 266, to be entitled "An act to incorporate the Widows' Orphans' and Superannuated Preachers' Aid Society of the West Texas Conference of the Methodist Episcopal Church, South," instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Report read and laid over under the rules.

Report of Committee on Engrossed Bills :

COMMITTEE ROOM,
AUSTIN, March 29, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills having examined and compared Senate bills No. 59, "An act to amend 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870 ;" No. 85, "An act to incorporate the San Antonio Turners' Hook and Ladder Company No. 1 ;" No. 178, "An act to repeal an act, approved August 10, 1870, entitled 'an act to amend an act to incorporate Herman's University,' approved January 27, 1844, as amended by an act passed April 11, 1845 ;" No. 248, "An act for the relief of James Henderson;" also substitute Senate bill No. 128, "An act concerning the Supreme Court Libraries," and substitute Senate bill No. 170 ; "An act in reference to the location, survey and return of genuine land certificates," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received.

The Secretary carried to the House, for concurrence, Senate bills Nos. 59, 85, 128, 170, 178, 248.

Report of Committee on Enrolled Bills :

COMMITTEE ROOM,
AUSTIN, March 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Enrolled bills have examined and find correctly enrolled Senate bill No. 111, entitled "An act granting to John M. Beard the privilege of constructing and keeping a toll bridge across the Neches river, at the place known as Beard's bridge, on said river," and Senate bill No. 136, entitled "An act to incorporate the Pine Island Bayou Bridge Company, and to-day, at 12:30 P. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Report read and received.

Reports of Committee on Internal Improvements :

COMMITTEE ROOM.
AUSTIN, March 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements, to whom was referred Senate bill No. 195, to be entitled "An act to incorporate the Hempstead and West Liberty Air Line Railroad Company," have had the same under consideration and after a careful examination recommend that the bill do pass.

WEBSTER FLANAGAN,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements, to whom was referred House bill No. 267, "An act in relation to the Atlantic and Pacific Railroad Company," have had the same under consideration and recommend that it do pass with amendments. Amend section one, line seven, after "Pacific" by inserting "coast;" in same section amend by striking out all after "stations;" in line twenty-eight amend section two by striking out all after the word "State," in line seventeen.

WEBSTER FLANAGAN,
Chairman.

Reports read and laid over under the rules.

Reports of Committee on State Affairs :

COMMITTEE ROOM,
AUSTIN, March 27, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 267 entitled "An act granting pensions to the surviving veterans of the war waged by the Republic of Texas against the Cherokee and other tribes of Indians," have carefully considered the same, and respectfully report it back with recommendation that it do not pass.

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 27, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 284, entitled "An act to incorporate the Columbus Lodge No. 51, I. O. O. F.," have carefully considered the same, and respectfully report it back, recommending its passage.

S. W. FORD,
Chairman.

Reports read and laid over under the rules.

Reports of Committee on Education:

COMMITTEE ROOM,
AUSTIN, March 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was referred House bill No. 486, entitled "An act to incorporate the Blufton Male and Female Academy," have had the same under careful consideration, and the majority thereof instruct me to report it back to the Senate with the recommendation that it do pass.

Respectfully,

E. PETTIT,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was referred House bill No. 412, entitled "An act to incorporate the Cedar Male

and Female Institute," have had the same under careful consideration, and the majority thereof instruct me to report it back to the Senate and respectfully recommend that it do pass.

E. PETTIT,
Chairman.

Reports read and laid over under the rules.

By leave, Senator Pickett withdrew the report of the Committee of Conference of yesterday, on Senate bill No. 7, "An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements."

INTRODUCTION OF BILLS.

By Senator Saylor: a bill (Senate bill No. 290) to be entitled "An act supplementary to 'an act to incorporate the Victoria and Columbia Railroad Company,' approved August 13, 1870." Read first time and referred to Committee on Internal Improvements.

By Senator Pyle: a bill (Senate bill No. 291) to be entitled "An act to authorize a change of venue in cases pending in the district courts pertaining to estates of deceased persons and guardianship." Read first time and referred to Committee on Judiciary.

By Senator Douglass: a bill (Senate bill No. 292) to be entitled "An act to incorporate the Southwestern Express and Transportation Company." Read first time and referred to Committee on State Affairs.

By Senator Rawson: a bill (Senate bill No. 293) to be entitled "An act to incorporate the Marshall Female College." Read first time and referred to Committee on Education.

By Senator Fountain: a bill (Senate bill No. 294) to be entitled "An act supplementary to an act entitled 'an act to incorporate the Rio Grande Railroad Company,' approved August 13, 1870." Read first time and referred to Committee on Judiciary.

RESOLUTIONS.

Senator Pettit offered the following resolution which was adopted:

Resolved, That the use of the Senate Chamber be tendered Prof. C. G. Forshey, on this Wednesday evening, for the lecture he has been invited to deliver by the members of this Legislature, upon the improvement of the "water channels" within the limits of the State of Texas.

GENERAL FILE.

Bills on a third reading: Senate bill No. 32, "An act to pro-

hibit the sale or otherwise disposing of spirituous or intoxicating liquors within two miles of Douglassville College, in Davis county, Texas." Read third time and passed.

Senate bill No. 79, to be entitled "An act to amend an act entitled 'an act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico.'" Read third time.

Senator Parsons offered the following amendment: Section one, line eight, after the word "before" strike out the words "annexed to the United States" and insert "twenty-first April, 1836."

Pending discussion,

11 O'CLOCK A. M.

The hour having arrived for the consideration of the special order House bills on a second reading,

On motion of Senator Ruby, the special order was postponed until the business pending before the Senate was disposed of.

The question recurring on the amendment of Senator Parsons, pending discussion, message from the Governor by his private secretary.

The question recurring on the amendment by Senator Parsons, the yeas and nays were called for and the amendment lost by the following vote:

Yeas—Douglass, Ford, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pettit, Ruby, Tendick—10.

Nays—Baker, Bell, Bowers, Cole, Dillard, Dohoney, Flanagan, Latimer, Mills, Pickett, Pridgen, Pyle, Rawson, Saylor, Shannon—15.

Senator Parsons offered the following amendment:

In section one, line eleven, strike out "two hundred and fifty dollars" and insert "one hundred dollars."

Yeas and nays called for, and the amendment lost, by the following vote:

Yeas—Douglass, Ford, Gaines, Hall, Hertzberg, Parsons, Ruby, Shannon, Tendick—9.

Nays—Baker, Bell, Bowers, Cole, Dillard, Dohoney, Flanagan, Hillebrand, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Rawson, Saylor—16.

Senator Parsons offered the following amendment: In section one, line eleven, after the word "dollars" add: "*provided*, they were either maimed in said war, or are now in indigent circumstances."

Yeas and nays called for, and the amendment lost by the following vote:

Yeas—Douglass, Gaines, Hall, Hertzberg, Parsons, Pettit, Ruby, Saylor, Shannon, Tendick—10.

Nays—Baker, Bell, Bowers, Cole, Dillard, Dohoney, Flana-

gan, Ford, Hillebrand, Latimer, Mills, Pickett, Pridgen, Pyle, Rawson—15.

The question being on the passage of Senate bill No. 79, yeas and nays called for and Senate bill No. 79 passed by the following vote :

Yeas—Baker, Bell, Bowers, Cole, Dillard, Dohoney, Flanagan, Ford, Hillebrand, Latimer, Mills, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—19.

*Nays—Douglass, Gaines, Hall, Hertzberg, Parsons, Tendick—6.

HOUSE BILLS ON SECOND READING.

House concurrent resolution : Concurrent resolution No. 1, "Authorizing the Speaker to appoint a committee of five, to act with a like committee from the Senate, that body concurring, whose duty it shall be to report at an early day, a general incorporation law."

On motion of Senator Dohoney, House concurrent resolution No. 1 was adopted.

House bill No. 397, "An act for the permanent location of the county site of Hamilton county." Read second time.

On motion of Senator Gaines, the rules were suspended, House bill No. 397 read third time and passed.

Message from the House by Chief Clerk, informing the Senate the House had passed Senate bill No. 55, "An act to incorporate the East Texas Cotton, Woolen and Cotton Seed Oil Manufacturing Company," with the following amendment: Add at end of section seven, "further than to the amount of stock owned by him or her."

Also, had passed Senate bill No. 94, "An act to give effect to the several provisions of the Constitution concerning taxes," with the following amendments :

HOUSE AMENDMENTS TO SENATE BILL NO. 94.

Amend section 5, line 2, as follows: strike out the word 'fourth' and insert 'eighth.'

Amend section 6, line 7, by inserting after the word 'follows' the following: 'for selling spirituous, vinous, malt and other intoxicating liquors in quantities of one quart or more, and for selling beer in quantities of one pint or more (except retailers who have previously obtained license therefor) one hundred dollars;' line 10 by striking out all after the word 'dollars' down to and including the word 'State,' in line 13.

Amend section 6, line 19: After word 'profit' strike out word 'one' and insert 'two;' line 22, strike out the word 'fifty' and in-

sert 'one hundred;' also, line 22, after word 'site' insert words 'used for profit;' line 29, after the word 'he' strike out the words 'or they;' line 32, after word 'fruits' insert word 'or;' lines 33 and 34, strike out words 'or goods or wares exclusively manufactured in this State;' line 36, strike out the word 'transient;' line 41, strike out after word 'given' the words 'by amateur performers or;' line 72, strike out word 'fifty' and insert 'one hundred;' line 73, strike out words 'twenty-five' and insert word 'fifty;' line 100, strike out from word 'that' down to and including word 'considered;' line 100, after word 'provided' insert words 'that the county tax for selling goods by sample, card or otherwise shall be collected in only one county;' line 113, after word 'every' insert word 'life;' line 114, after word 'of' strike out word 'one' and insert 'five;' line 115, after word 'dollars' insert the following: 'from every fire and marine insurance company doing business in this State an annual tax of two hundred and fifty dollars;' line 115, strike out all after word 'dollars' down to and including word 'company' in line 117;' line 121, strike out word 'each' and insert the following: 'the principal or general state;' line 134, after word 'dollars' insert the following: 'from every person or firm keeping a barber shop, five dollars for each and every chair therein at which a barber works;' line 148, after word 'person' insert words 'or member of a—;' line 153, after word 'certificates' insert the following: 'locating lands for others, paying taxes for others.'

Amend section 7, line 5, strike out word 'net' and insert 'gross.'

Amend section 10, line 12, after word 'counties' insert words 'or territories not laid out into counties;' line 17, after word 'counties' insert words 'or territories;' line 22, after word 'counties' insert words 'or territories.'

Add to section 10 the following: 'and where, from any cause, in any organized county, there is no quorum of justices of the peace, then the Comptroller shall designate what officer or officers shall make the assessment in the precincts where vacancies exist.'

Section 13, add to section the following: '*provided*, that for the year 1871 the time for assessment is extended to the first of July.'

Section 14, line 7, after word 'thereof' insert words 'number of acres.'

Section 18, line 14, after word 'schools' add the following: 'or to public roads, as the case may be.'

Section 19, line 8, strike out the word 'roll.'

Section 21, at the end of line 13 add the following: 'and return the same to the Comptroller of Public Accounts.'

Section 23, line 5, insert before the word 'first' the word 'thirty;' line 5, strike out figures '1861' and insert figures

'1860;' add to section the following: '*provided, however, that nothing in this act shall be considered as in any way validating sales for taxes during any of the time between said thirty-first day of December, 1860, and first day of January, 1866.*'

Section 24, line 2, after word 'taxes,' insert words 'State and county;' line 6, after word 'State,' insert words 'and county;' line 7, after word 'fourth,' insert words 'of the State tax;' line 42, insert after the word 'tax,' the following: "for the year in which taxes are paid;" lines 46, 47 and 48, strike out words 'the amount necessary to obtain a full acquittance and discharge as to said property;' line 46, insert after word 'on,' the words 'that amount;' line 48, insert before 'an,' the word 'and;' line 49, insert before word 'levied,' the words 'shall be,' and strike out word 'being;' insert, after section 24, the following, to be numbered section 25:

DISPOSITION OF COUNTY TAXES.

'SEC. 25. All county taxes collected in any county for property situate in other counties shall be paid, by the offices collecting, into the Treasury of the State. The Treasurer shall place the amounts received to the credit of the respective county in favor of which the tax was collected; any organized county may, upon the order of the County Court and receipt of the county treasurer, draw from the Treasury annually the amount of tax standing there to its credit.'

Section 25. Amend number of section so as to read '26.'

Section 26. Amend number of section so as to read '27.'

Section 27. Strike out all of section 27 and insert the following as a substitute therefor:

'BONDS OF OFFICERS.

'SEC. 27. Every justice of the peace and sheriff shall, within thirty days after they shall have received notice of their election or appointment, and before entering upon the duties of their respective office as assessor and collector of taxes, give a bond in such form as the Comptroller shall prescribe, payable to the State of Texas, in a sum at least equal to the amount of the tax assessed the previous year for their respective precincts and counties, with three or more good and sufficient sureties, to be approved by the judge of the judicial district in which said county may be situated. and shall take and subscribe the oath prescribed by the Constitution, which, together with said bond, shall be recorded in the office of the district clerk of the county, and be forwarded by said clerk to the Comptroller to be deposited in his office; said bond shall be conditioned that the justice or sheriff shall faithfully discharge all the duties required of him as assessor or collector of taxes, as the case may be, for and during the full term for which he was elected or appointed,

and said bond shall not become void on the first recovery, but suit may be maintained thereon until the whole amount thereof be recovered.

‘Any justice or sheriff may be required to give a new bond or additional or other securities whenever, in the opinion of the Comptroller, it may be advisable; and when so required to give a new bond or additional securities, the justice or sheriff shall suspend the duties of his office until said new bond or additional securities are given, and on failure to give the same within thirty days from notice, he shall be dismissed from office.

‘Whenever the justices of a county shall all agree to, and appoint a common deputy to assess for the entire county, or when the sheriff appoints a deputy to collect from the entire county, such deputy shall take and subscribe the oath and give bond as required above in the case of sheriffs.

‘In addition to the bond above specified, the sheriff shall also execute a bond, payable to the county court, naming the members thereof, and their successors in office, in a sum at least equal to the probable amount of the county tax of the county, with two or more good and sufficient sureties, to be approved by said county court; and no person shall be received as a surety for an amount greater than the value of his property, after deducting all exemptions and legal liabilities, which amount shall be stated under oath; said bond shall be deposited in the office of the clerk of the district court, and by him duly recorded. Said bond shall be conditioned that the sheriff shall faithfully discharge all the duties required of him by law as collector of taxes, and shall make settlement with the treasurer of the county for all moneys that may come into his hands belonging to the county, at least every two months, or oftener, if so ordered by the county court. Said bond shall also extend to the faithful performance of his duties for the full term for which he was elected or appointed, and shall not be void upon the first recovery; *provided*, the court may, in its discretion, require a new bond at any time; *and further provided*, that nothing herein shall be so construed as to prohibit the sheriff from collecting the county tax by a qualified deputy.’

Insert after section 27, to be numbered section 28, the following as a new section :

‘HOW TAXES COLLECTED SHALL BE ACCOUNTED FOR, AND DISPOSED OF.

‘SEC. 28. The Sheriff shall report to the Comptroller of Public Accounts, on the first day of August, the amount collected by him for State taxes, and for county taxes, of property in counties other than his own; and he shall, in like manner, report taxes collected every sixty days thereafter. He shall, at all times, pay drafts drawn

on him by the Comptroller, or remit by draft, or post office money order, the funds in his hands as rapidly as collected, when required so to do by the Comptroller, and he shall make final settlement on or before the thirty-first day of December in each and every year thereof. It is also made the duty of the sheriff to obey all orders of the county court in the matter of taxes collected by him on property situated in his county, and he shall pay over to the county treasurer, on the order of said courts, as often as ordered so to do, all moneys or county liabilities received by him, in the proportion that he received the same from the taxpayer; and when not otherwise ordered he shall pay over to the county treasurer all funds or county liabilities received by him every two months from and after the first day of April, 1871.'

Section 27, amend number of section so as to read '29.'

Section 28, amend number of section so as to read '30.'

Section 30, line 2, insert at end of line, after word 'a,' the word 'common.'

Section 30, line 14, insert after word 'county' the words 'one-third of.'

Section 29; amend number of section so as to read '31.'

Section 31, line 5, strike out after word 'and' all down to word 'shall,' in line 13; line 13, insert before word 'shall' the word 'he;' line 15, insert after 'the' the words 'instruction and;' line 16, strike out words 'shall be;' line 16, after word 'obeyed,' insert the following: 'by all officers entrusted with the execution of this act.'

Section 30, amend number of section so as to read '32.'

Section 31, amend number of section so as to read '33.'

Amend section 20, strike out all after words 'the sheriff or his deputy' in line one, down to and including the words 'shall be a sufficient demand,' in line 12.

Amend section 6, inserting after words 'eating house or boarding house, fifteen dollars,' in lines 63 and 64, the following; '*provided*, that no house be considered a boarding house unless there are kept as many as four regular boarders at one time exclusive of all school children; *and provided further*, that no house shall be considered a boarding house whose annual income is less than three hundred dollars.'

Amend section 3, by striking out all after the words 'as may be by law directed.'

Amend section 6, line 115, by inserting after the word 'dollars,' 'said tax to be paid by the company to the Comptroller of State, whose receipt, under seal, shall be issued to the company—certified copies of which, when furnished to agents, shall be authority to work in any county in the State.'

Amend section 6, line 81. after the word 'dollars,' insert 'and from every fourth class retail merchant an annual tax of ten dollars.'

Amend section 6, line 94, by inserting after the word 'dollars,' 'and all retail merchants not of the first, second or third class shall be considered of the fourth class.'

Amend section 24, by striking out all after the words 'prior to the date thereof,' in line 20, down to and including the words 'of the lien hereby created,' in line 35.

Amend section 20, by striking out the words 'at the county site,' and inserting in lieu thereof the words 'at least two places in each precinct of his county.'

Amend section 12, by inserting after the word 'peace,' in line 14, before the word 'failing,' the words 'or his deputy.'

Amend section 12, by inserting after the words 'is authorized to inquire,' the word 'into.'

Amend section 15, line 38, by striking out the words 'first paying,' and inserting in lieu thereof the words 'he or she shall first pay.'

I certify that the foregoing are the amendments adopted by the House to Senate bill 94.

ED. KETCHUM,
Chief Clerk H. R.

Also, for signature of the President of the Senate, the following enrolled House bills:

House bill No. 77, "An act to amend an act entitled 'an act to incorporate the Caddo Lake Manufacturing Company,' approved November 1, 1866."

House bill No. 122, "An act for the relief of John McDonald." Signed and returned to the House.

Also, informing the Senate that the Speaker had signed, in open session, enrolled Senate bill No. 110, "An act to incorporate the Rusk and Harrison county Railway Company," which bill was signed by the President, in open session.

On motion of Senator Ruby, the rules were suspended to take from file Senate bill No. 94, "An act to give effect to the several provisions of the Constitution concerning taxes."

On motion of Senator Ruby, Senate bill No. 94 was made the special order for to-morrow, at 12 M.

On motion, the Governor's message was taken up and read, as follows:

GOVERNOR'S OFFICE,
Austin, March 29, 1871.

To the Honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN: I have the honor to inform you that the following named acts and resolutions have been received by me and approved, to-wit :

An act to be entitled "An act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870," approved March 4, 1871.

"An act to authorize the County Court of Washington county to levy a special tax for building a jail at the county seat," approved March 4, 1871.

"An act prescribing the times of holding the district courts in the several judicial districts in the State," approved March 4, 1871.

"An act to incorporate the Jefferson Gaslight Company," approved March 4, 1871.

"An act to amend 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870," approved March 8, 1871.

"An act to re-incorporate and grant a new charter to the town of Georgetown and repeal an act approved September 26, 1866, entitled 'an act to incorporate the town of Georgetown in Williamson county, Texas,' " approved March 8, 1871.

"Joint resolution making an appropriation and expressing the wish of the State touching the suit of Jno. A. C. Gray, receiver, etc., vs. the Governor and Commissioner of the General Land Office," approved March 13, 1871.

"An act to incorporate the city of Hempstead, in the county of Austin," approved March 13, 1871.

"An act making an appropriation for the per diem pay of the members and the per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas," approved March 13, 1871.

"An act to incorporate the town of Millican, county of Brazos," approved March 13, 1871.

"An act to authorize the County Court of Hays county to levy and collect a special tax for the completion of a court house," approved March 15, 1871.

"An act permanently locating the county seat of Refugio county at the town of Rockport," approved March 15, 1871.

"Joint resolution asking the Congress of the United States to send a joint committee to the frontiers of Texas, to inquire into and

report upon the number of murders and extent of the outrages committed in Texas during the last five (5) years, and now being committed in Texas by bands of Indians living within the territory of the United States, and harbored within the Republic of Mexico," approved March 15, 1871.

"An act to incorporate the Galveston Seamen's Home," approved March 18, 1871.

"Joint resolution instructing our Senators and requesting our Representatives in Congress to use their exertions to effect the removal of bands of Comanche and Kiowa Indians to a point at least one hundred and fifty miles from the civilized settlements or organized counties in Texas," approved March 18, 1871.

"Joint resolution instructing our Senators and requesting our Representatives in Congress to urge upon Congress the passage of a bill for a more secure and reliable postal telegraph facilities," approved March 18, 1871.

"An act to incorporate the Gonzales Agricultural and Industrial Association," approved March 18, 1871.

"An act to incorporate Paris Commercial College, Paris, Texas," approved March 18, 1871.

"An act incorporating the Texas Coal and Mining Company," approved March 18, 1871.

"An act to incorporate the Powell Bridge Company in Navarro county," approved March 18, 1871.

"An act to incorporate the San Antonio Jockey Club," approved March 21, 1871.

"An act to incorporate the Citizens' Savings Bank of Jefferson," approved March 21, 1871.

"An act to incorporate the Corpus Christi Navigation Company," approved March 21, 1871.

"An act to incorporate the City of Calvert, in Robertson county," approved March 21, 1871.

"An act to authorize James A. Nelms and Preston Owens to erect a toll bridge over Chambers creek, in the county of Navarro, Texas," approved March 21, 1871.

"An act to organize and incorporate the East Line and Red River Railroad Company," approved March 22, 1871.

"An act to incorporate the Bank of Texas," approved March 22, 1871.

"Joint resolution requesting our Representatives and Senators in the Congress of the United States to procure the passage of an act creating and establishing a port of entry at the city of Rockport, on Aransas bay, in the county of Refugio, in this State," approved March 22, 1871.

"An act for the relief of Geo. W. G. Browne, late Clerk of the Supreme Court," approved March 22, 1871.

"An act to incorporate the Navasota, Washington and Brazos Bridge Company," approved March 22, 1871.

An act to be entitled "An act for the employment of a clerk in the Pension Bureau of the Comptroller's office," approved March 22, 1871.

"An act to incorporate the Central Texas Agricultural and Mechanical Association of Bryan, Texas," approved March 22, 1871.

"An act to authorize and require the Governor to lease the State Penitentiary, together with the labor of the convicts therein," approved March 22, 1871.

"An act supplementary to 'an act to regulate the disposal of the public lands of the State of Texas,' approved August 12, A. D. 1870," approved March 24, 1871.

"An act for the permanent location of the county seat of Van Zandt county, and designating the boundary lines of the same," approved March 25, 1871.

"An act changing the eastern boundary of Johnson county," approved March 25, 1871.

"An act to incorporate the Galveston Building Association," approved March 25, 1871.

"An act to authorize Alexander English to erect a toll bridge over Bois d'Arc creek, in the county of Fannin, Texas," approved March 25, 1871.

Very respectfully,

EDMUND J. DAVIS,

Governor.

12 o'clock, M.

The hour having arrived for the consideration of the special order, House bill No. 115, "An act to regulate the keeping and bearing of deadly weapons," the question being on the adoption of the amendments reported by the Committee of the Whole, on motion of Senator Fountain the amendments reported by the Committee of the Whole were adopted.

Senator Dohoney offered the following amendment: Amend section six, in line five, by inserting after the word "act," and before the word "and" the words "in the presence or view of such officers."

Amendment lost.

Senator Fountain offered the following amendment:

Amend section one, line three, by adding after the word 'person' the words "saddle, or in his saddle bags."

Yeas and nays called for and the amendment adopted by the following vote:

Yeas—Baker, Bell, Ford, Fountain, Gaines, Hall, Hillebrand, Hertzberg, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—16.

Nays—Bowers, Cole, Dillard, Dohoney, Douglass, Pickett, Pyle, Shannon—8.

Senator Douglass offered the following amendment: Amend section one, add the following: "*provided further*, that members of the Legislature shall not be included under the term 'civil officer' as used in this act."

Yeas and nays called for and the amendment adopted by the following vote:

Yeas—Baker, Bell, Bowers, Cole, Dohoney, Douglass, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Shannon, Tendick—21.

Nays—Ruby, Saylor—2.

Senator Pickett moved to reconsider the vote, striking out the words "or other fire arms," in section three, line seventeen.

Motion to reconsider carried.

The question recurring on the adoption of the amendment striking out, the amendment was lost.

Senator Pickett moved to strike out section seven.

Yeas and nays called for, and motion to strike out lost by the following vote:

Yeas—Bowers, Cole, Dillard, Dohoney, Douglass, Pickett, Pyle—7.

Nays—Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—16.

The question being "Shall House bill No. 115 pass to a third reading as amended?" the yeas and nays were called for and carried by the following vote:

Yeas—Baker, Bell, Dohoney, Douglass, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—20.

Nays—Bowers, Cole, Dillard, Pickett—4.

On motion of Senator Fountain the rules were suspended to place House bill No. 115 on a third reading. Read third time.

Senator Fountain moved that House bill No. 115 do pass.

Senator Fountain moved a call of the Senate. Call sustained.

Absent—Senators Broughton, Evans and Latimer.

On motion of Senator Dohoney, Senator Evans was excused on account of sickness.

On motion of Senator Gaines the call was suspended.

The question recurring on the final passage of House bill No. 115, yeas and nays called for and passed by the following vote :

Yeas—Baker, Bell, Dohoney, Douglass, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—20.

Nays—Bowers, Cole, Dillard, Pickett, Shannon—5.

On motion of Senator Fountain, the Senate adjourned to 3 o'clock P. M.

AFTERNOON SESSION.

3 O'CLOCK P. M.

Senate met pursuant to adjournment; Senator Flanagan presiding *pro tem*.

Roll called; quorum present.

On motion of Senator Cole, Senator Broughton was excused.

On motion of Senator Latimer, the rules were suspended to take from file Senate bill No. 265, a bill to be entitled "An act to incorporate the Paris Real Estate and Banking Association." Read second time.

On motion of Senator Dohoney, the report of the Committee on State Affairs recommending the passage of the bill was adopted, Senate bill No. 265 ordered to be engrossed and passed to a third reading.

On motion of Senator Latimer, the rules were further suspended, and Senate bill No. 265 read third time and passed.

On motion of Senator Mills, the rules were suspended to take from file Senate bill No. 193, a bill to be entitled "An act for the relief of certain assignees of the Buffalo Bayou, Brazos and Colorado Railroad Company." Read second time.

On motion of Senator Pickett, Senate bill No. 193 was referred to the Committee on Judiciary.

An motion of Senator Gaines, the rules were suspended to take from file Senate bill No. 256, a bill to be entitled "An act to incorporate the Board of Fund Commissioners of the Trinity Conference M. E. Church South." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Mills, the rules were further suspended and Senate bill No. 256 read third time and passed.

On motion of Senator Parsons, the rules were suspended to take from file a bill (Senate bill No. 167) to be entitled "An act to incorporate the Houston Cemetery Company." Read second time.

On motion of Senator Parsons, the following amendments, reported by the Committee on State Affairs, were adopted: To be added as new sections: "Section 9. That so much of said land and property therein as may be appropriated to the burial of the dead shall never be subject to State, county or municipal taxation." "Section 10. That this act shall take effect and be in force from and after its passage."

Senate bill No. 167 ordered engrossed and passed to a third reading.

On motion of Senator Parsons, the rules were further suspended, and Senate bill No. 167 read third time and passed.

Senator Bell moved that the Senate do now proceed to elect a President.

Senator Ruby moved to amend that the Senate do now proceed to elect a President *pro tem*.

Senator Bowers moved that Hon. Webster Flanagan be elected President for the time being by acclamation.

On motion of Senator Hall, the Senate adjourned to 10 o'clock, A. M., to-morrow.
